



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 15 2004

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Allan F. Bedwell  
Deputy Secretary for Regulatory Programs  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: Enforcement Discretion Concerning Diesel Fuel for the State of Florida

Dear Mr. Bedwell:

I am writing in response to Florida Department of Environmental Protection's request that we extend the exercise of enforcement discretion concerning diesel fuel under my letters of September 2 and September 7, 2004. As you know, due to Hurricanes Frances and Ivan there has been a shortage of undyed, low sulfur motor vehicle diesel fuel throughout Florida. Because of this shortage, on September 2, 2004, the United States Environmental Protection Agency (EPA) exercised enforcement discretion to allow temporary use of motor vehicle diesel fuel having a visible evidence of red dye and a sulfur content exceeding 500 parts per million (ppm) until midnight, September 7, 2004. By my letter of September 7<sup>th</sup>, the enforcement discretion was extended until midnight, September 15, 2004.

It now appears that due to Hurricane Ivan, the shortage of motor vehicle diesel fuel will not be resolved until additional supplies of these fuels are received in Florida. For this reason, EPA will extend the enforcement discretion granted by my letters of September 2<sup>nd</sup> and September 7<sup>th</sup>, until midnight on Friday, September 24, 2004. The terms and conditions included in the September 2<sup>nd</sup> enforcement discretion letter also apply to this extension period.

If you have questions, please call Mr. George Lawrence, Chief, Mobile Source Enforcement Branch, at (202) 564-1307.

Sincerely,

A handwritten signature in blue ink, reading "Thomas V. Skinner", is written over the word "Sincerely,".

Thomas V. Skinner  
Acting Assistant Administrator